

EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100]

(Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 64100]

(Division 4 enacted by Stats. 1976, Ch. 1010.)

PART 27. PUPILS [48000 - 49704]

(Part 27 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 2. Compulsory Education Law [48200 - 48361]

(Chapter 2 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 7. Pupil Attendance Alternatives [48300 - 48317]

(Article 7 added by Stats. 2004, Ch. 21, Sec. 1.)

48300. For purposes of this article, the following definitions apply:

- (a) “Active military duty” means full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Reserve on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) of, and Chapter 1211 (commencing with Section 12401) of, Part II of Subtitle E of Title 10 of the United States Code.
- (b) “Parent” means the natural or adoptive parent or guardian of a dependent child.
- (c) “School district of choice” means a school district for which a resolution is in effect as described in subdivision (a) of Section 48301.
- (d) “School district of residence” means the school district that a pupil would be directed by this chapter to attend, except as otherwise provided by this article.

(Amended by Stats. 2016, Ch. 186, Sec. 49. Effective January 1, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48301. (a) (1) The governing board of a school district may elect to operate the school district as a school district of choice and may accept transfers from school districts of residence pursuant to this article. If the governing board of a school district elects to accept transfers as authorized under this article, it shall, by resolution, determine and adopt the number of transfers it is willing to accept under this article and shall accept all pupils who apply to transfer until the school district is at maximum capacity. The school district of choice shall ensure that pupils admitted under this article are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil should be enrolled based upon his or her academic or athletic performance, physical condition, proficiency in English, any of the individual characteristics set forth in Section 200, and, except for purposes of determining priority for pupils eligible for free or reduced-price meals pursuant to Section 48306, family income.

(2) If the number of transfer applications exceeds the number of transfers the governing board of a school district of choice elects to accept under this article, approval for transfer pursuant to this article shall be determined by a random drawing held in public at a regularly scheduled meeting of the governing board of the school district of choice.

(b) Communications to parents by school districts of choice shall be factually accurate and not target individual parents or residential neighborhoods on the basis of a pupil or pupils’ actual or perceived academic or athletic skill or other personal characteristic.

(c) A school district of choice, with respect to compliance with subdivisions (a) and (b), shall be subject to the audit conducted pursuant to Section 41020.

(d) A school district of choice shall post application information on its Internet Web site. This information shall include, at a minimum, any applicable form and the timeline for a transfer pursuant to this article. This information also shall include an explanation of the selection process the school district of choice implements pursuant to subdivision (a).

(e) A pupil attending a school in a school district of choice shall be deemed to have fulfilled the requirements of Section 48204.

(f) All communication from a school district of choice regarding the transfer opportunities under the program shall be available in all languages for which translations are required in the school district of residence pursuant to Section 48985.

(g) On or before July 1, 2018, a school district of choice shall register as a school district of choice with both the Superintendent in a manner specified by the Superintendent and the county board of education where the school district of choice is located.

(h) Commencing with the 2018–19 school year, a school district of choice shall not enroll pupils under this article until the school district has registered pursuant to subdivision (g).

(Amended by Stats. 2017, Ch. 15, Sec. 32. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48302. School districts are encouraged to hold informational meetings and make public announcements on the current educational programs the school district is offering so that parents may provide input to the school district on methods to improve the current programs and so that parents may make informed decisions regarding their children's education.

(Amended by Stats. 2017, Ch. 15, Sec. 33. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48303. (a) The school district of choice may not prohibit a transfer of a pupil under this article based upon a determination by the governing board of that school district that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer. A school district may reject the transfer of a pupil if the transfer of that pupil would require the district to create a new program to serve that pupil, except that a school district of choice shall not reject the transfer of a special needs pupil, including an individual with exceptional needs, as defined in Section 56026, and an English learner.

(b) This section is intended to ensure that special education, bilingual, English learner, or other special needs pupils are not discriminated against by the school district of choice because of the costs associated with educating those pupils. Pupils with special needs may take full advantage of the choice options available under this section.

(Amended by Stats. 2009, Ch. 198, Sec. 2. Effective January 1, 2010. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48304. An application of any pupil for transfer may not be approved under this article if the transfer would require the displacement, from a school or program conducted within any attendance area of the school district of choice, of any other pupil who resides within that attendance area or is currently enrolled in that school.

(Added by Stats. 2004, Ch. 21, Sec. 1. Effective March 5, 2004. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48305. School districts of choice may employ existing entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants.

(Added by Stats. 2004, Ch. 21, Sec. 1. Effective March 5, 2004. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48306. (a) A school district of choice shall give first priority for attendance to siblings of children already in attendance in that district.

(b) A school district of choice shall give second priority for attendance to pupils eligible for free or reduced-price meals.

(c) A school district of choice shall give third priority for attendance to children of military personnel.

(Amended by Stats. 2017, Ch. 15, Sec. 34. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48307. (a) A school district of residence with an average daily attendance greater than 50,000 may limit the number of pupils transferring out each year to 1 percent of its current year estimated average daily attendance.

(b) A school district of residence with an average daily attendance of 50,000 or less may limit the number of pupils transferring out to 3 percent of its current year estimated average daily attendance and may limit the maximum number of pupils transferring out for the duration of the program authorized by this article to 10 percent of the average daily attendance for that period.

(c) A school district of residence that has a negative status on the most recent budget certification completed by the county superintendent of schools in any fiscal year may limit the number of pupils who transfer out of the district in that fiscal year.

(d) Notwithstanding any prior or existing certification of a school district of residence pursuant to Article 3 (commencing with Section 42130) of Chapter 6 of Part 24, if a county superintendent of schools determines that a school district of residence would not meet the standards and criteria for fiscal stability specified in Section 42131 for the subsequent fiscal year exclusively due to the impact of additional pupil transfers pursuant to this article in that year, the school district of residence may limit the number of additional pupils who transfer in the upcoming school year pursuant to this article up to the number that the county superintendent of schools identifies beyond which number of additional transfers would result in a qualified or negative certification in that year exclusively as a result of additional transfers pursuant to this article.

(e) A school district of residence, upon receiving notification of a pupil's acceptance into the school district of choice, may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the school district of residence determines that the transfer would negatively impact any of the following:

(1) The court-ordered desegregation plan of the school district of residence.

(2) The voluntary desegregation plan of the school district of residence, consistent with the provisions of Proposition 209, an initiative measure adopted by the voters at the November 5, 1996, General Election.

(3) The racial and ethnic balance of the school district of residence, consistent with the provisions of Proposition 209, an initiative measure adopted by the voters at the November 5, 1996, General Election.

(f) Notwithstanding any other provision of this article, a school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent.

(g) A school district of residence shall not adopt policies that in any way block or discourage pupils from applying for transfer to a school district of choice.

(h) Notwithstanding any other provision of this article, a pupil attending a school district of choice or a pupil who received a notice of acceptance into a school district of choice before the school district of residence restricted further transfers pursuant to subdivision (c) or (d) shall be permitted to attend the school district of choice.

(Amended by Stats. 2017, Ch. 250, Sec. 5. Effective September 16, 2017. Inoperative July 1, 2023.

Repealed as of January 1, 2024, pursuant to Section 48315.)

48308. (a) (1) An application requesting a transfer pursuant to this article shall be submitted by the parent of a pupil to the school district of choice before January 1 of the school year preceding the school year for which the pupil is requesting to be transferred. This application deadline may be waived upon agreement of the school district of residence of the pupil and the school district of choice.

(2) The application deadline specified in paragraph (1) does not apply to an application requesting a transfer if the parent of the pupil with whom the pupil resides is enlisted in the military and was relocated by the military less than 90 days before submitting the application.

(b) The application may be submitted on a form provided for this purpose by the department and may request enrollment of the pupil in a specific school or program of the school district of choice.

(c) (1) No later than February 15 of the school year preceding the school year for which the pupil is requesting to be transferred, the governing board of the school district of choice shall notify the parent in writing whether the application has been provisionally accepted or rejected or of the placement of the pupil on a waiting list. The governing board of the school district of choice may fill vacancies from the waiting list until May 1 preceding the school year for which the pupil is requesting to be transferred. No pupils shall be accepted at a school district of choice after May 1 preceding the school year for which the pupil is requesting to be transferred.

(2) If the application is rejected, the governing board of the school district of choice shall include in the written notification to the parent that the number of pupils applying to transfer exceeded the capacity of the school district of choice and that the pupil was not selected during the random drawing. The determination shall be accurately recorded in the minutes of the board meeting in which the determination was made.

(3) If a pupil is accepted into a school district of choice, the school district of choice shall notify the school district of residence of the pupil no later than February 15 of the school year preceding the school year for which the pupil is requesting to be transferred. On or before February 15, the school district of choice shall provide the school district of residence the number of pupils accepted, by school and grade level, by the school district of choice. On or before May 2, the school district of choice shall provide the school district of residence with the final number of pupils enrolled, by school, in the school district of choice, the grade levels of the pupils, and the names of the pupils.

(4) (A) Notwithstanding paragraph (1), the governing board of a school district of choice shall, not later than 90 days after receipt of an application submitted according to paragraph (2) of subdivision (a), make a final acceptance or rejection of that application. A pupil may enroll in a school in the school district of choice immediately upon his or her acceptance.

(B) If an application submitted according to paragraph (2) of subdivision (a) is submitted less than 90 days before the beginning of the school year for which the pupil seeks to be transferred, the governing board of the school district of choice shall accept or deny the application before the commencement of the school year. A pupil may enroll in a school in the school district of choice immediately upon his or her acceptance.

(d) Final acceptance of the transfer is applicable for one school year and will be renewed automatically each year unless the school district of choice through the adoption of a resolution

elects to no longer accept any transfer pupils pursuant to this article. However, if a school district of choice elects to no longer accept pupils under this article, high school pupils admitted under this article may continue to attend the same school in the school district of choice until they graduate from high school.

(Amended by Stats. 2017, Ch. 15, Sec. 36. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48309. (a) Any school district of choice that admits any pupil under this section may accept any completed coursework, attendance, and other academic progress credited to that pupil by the school district or districts previously attended by that pupil, and may grant academic standing to that pupil based upon the district's evaluation of the academic progress credited to that pupil.

(b) Any school district of choice that admits a pupil under this section may revoke the pupil's transfer if the pupil is recommended for expulsion pursuant to Section 48918.

(Added by Stats. 2004, Ch. 21, Sec. 1. Effective March 5, 2004. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48310. (a) The average daily attendance for pupils admitted by a school district of choice pursuant to this article shall be credited to that school district pursuant to Section 46607. The attendance report for the school district of choice may include an identification of the school district of residence.

(b) Notwithstanding any other law, state aid for categorical education programs for pupils admitted under this article shall be apportioned to the school district of choice.

(c) (1) For a school district of choice that is a basic aid school district, the apportionment of state funds for average daily attendance credited pursuant to this section shall be 25 percent of the school district local control funding formula base grant computed pursuant to subdivision (d) of Section 42238.02, as implemented by Section 42238.03, that would have been apportioned to the school district of residence.

(2) Notwithstanding paragraph (1), until the Superintendent determines that the school district of residence is funded pursuant to Section 42238.02 in the prior fiscal year, the Superintendent shall apportion, for average daily attendance pursuant to this article, the lesser of the amount calculated pursuant to paragraph (1) or 25 percent of the sum of the entitlements for the school district of residence for the specified fiscal year as computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b), of Section 42238.03, divided by the average daily attendance pursuant to this article for that fiscal year and then multiplied by the ratio of local control funding formula base grant funding computed pursuant to subdivision (d) of Section 42238.02 to the local control funding formula amount for the fiscal year computed pursuant to Section 42238.02.

(3) If the entitlements for the school district of residence computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (a), and paragraph (3) of subdivision (b), of Section 42238.03, include funding calculated pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3 for a fiscal year, paragraph (2) shall not apply and the apportionment of state funds for the average daily attendance credited pursuant to this section for that fiscal year shall be calculated pursuant to paragraph (1).

(4) For purposes of this subdivision, the term "basic aid school district" means a school district that does not receive from the state, for a fiscal year in which this subdivision is applied, an apportionment of state funds as described in subdivision (o) of Section 42238.02.

(d) The average daily attendance of pupils admitted by a school district of choice pursuant to this article shall be credited to that school district for purposes of any determination under Article 2

(commencing with Section 17010) of Chapter 12 of Part 10 of Division 1 of Title 1 that uses an average daily attendance calculation.

(Amended by Stats. 2017, Ch. 15, Sec. 37. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48311. Upon request of the pupil's parent, each school district of choice that admits a pupil under this article to any school or program of the school district may provide to the pupil transportation assistance to that school or program, to the extent that the school district otherwise provides transportation assistance to pupils.

(Amended by Stats. 2017, Ch. 15, Sec. 38. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48312. (a) Each school district may make information regarding its schools, programs, policies, and procedures available to any interested person upon request.

(b) A school district of choice shall make public announcements regarding its schools, programs, policies, and procedures, including transportation options pursuant to Section 48311, if applicable, during the enrollment period.

(Amended by Stats. 2017, Ch. 15, Sec. 39. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48313. (a) (1) Pursuant to this article, each school district of choice shall keep an accounting of all requests made for transfers pursuant to this article and records of all disposition of those requests that shall include, but are not limited to, all of the following:

(A) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records shall indicate the reasons for the denials.

(B) The number of pupils transferred out of the school district of choice pursuant to this article.

(C) The number of pupils transferred into the school district of choice pursuant to this article.

(D) The race, ethnicity, gender, self-reported socioeconomic status, eligibility for free or reduced-price meals, and the school district of residence of each of the pupils described in subparagraphs (B) and (C).

(E) The number of pupils described in subparagraphs (B) and (C) who are classified as English learners or identified as individuals with exceptional needs, as defined in Section 56026.

(2) If the school district of choice provides transportation to pupils pursuant to Section 48311, the school district of choice shall keep an accounting of the number of pupils as described in subparagraphs (D) and (E) of paragraph (1) transported pursuant to Section 48311 and the total number of pupils transported under this article.

(b) The information maintained pursuant to subdivision (a) shall be reported to the governing board of the school district of choice at a regularly scheduled meeting of the governing board of the school district of choice. No later than October 15 of each year, the school district of choice shall report the information maintained pursuant to subdivision (a) for the current school year in addition to information regarding the school district's status as a school district of choice for the upcoming school year to each school district that is geographically adjacent to the school district of choice, the county office of education in which the school district of choice is located, and, in a manner specified by the Superintendent, the Superintendent.

(c) A school district of choice shall not enroll a pupil under this article if the school district does not report all the data required pursuant to subdivision (b).

(d) The Superintendent shall do all of the following:

(1) Maintain a list of the school districts of choice in the state.

(2) Collect the information specified in subdivision (a) from each school district of choice. The Superintendent shall ensure school districts of choice provide this information in a complete format and shall not create a new field in the California Longitudinal Pupil Achievement Data System for this purpose. The Superintendent may provide a template for school districts of choice to use and may issue guidance regarding the procedures for collecting and reporting data.

(3) Post the information collected under paragraphs (1) and (2) on the department's Internet Web site. The Superintendent shall make this information available upon request to any school district.

(4) Post a single list of all school choice programs, including, but not limited to, school districts of choice, on the department's Internet Web site.

(e) No later than December 1, 2017, the Superintendent shall report to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office with a description of the plan for collecting the data specified in subdivision (a). It is the intent of the Legislature that the Superintendent collect data in a manner that minimizes the administrative burden on school districts and the state.

(f) The Superintendent annually shall make all of the following information available to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office:

(1) The number and characteristics of pupils who use the school district of choice option pursuant to this article.

(2) Assessment scores of school districts of choice and school districts of residence pursuant to subdivision (b) of Section 60640.

(3) The graduation rates of school districts of residence and school districts of choice.

(4) The enrollment of school districts of residence and school districts of choice for the previous five years.

(5) The fiscal health of school districts of residence and school districts of choice, including, but not limited to, both of the following:

(A) Increasing or declining enrollment.

(B) Whether a school district received a negative or qualified rating pursuant to Section 42131.

(6) Whether a school district of residence has exceeded the transfer limits specified in Section 48307.

(7) The number of pupils described in subparagraphs (D) and (E) of paragraph (1) of subdivision (a) transported under this article pursuant to Section 48311.

(Amended by Stats. 2017, Ch. 15, Sec. 40. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48314. It is the intent of the Legislature that every parent in this state be informed of his or her opportunity for currently existing school district of choice options under this article regardless of ethnicity, primary language, literacy, or special needs.

(Amended by Stats. 2017, Ch. 15, Sec. 41. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48315. This article shall become inoperative on July 1, 2023, and, as of January 1, 2024, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2024, deletes or extends the dates on which it becomes inoperative and is repealed.

(Amended by Stats. 2017, Ch. 15, Sec. 42. Effective June 27, 2017. Repealed as of January 1, by its own provisions. Note: Termination clause affects Article 7, comprising Sections 48300 to 48317.)

48316. The Legislative Analyst shall conduct, after consulting with appropriate legislative staff, a comprehensive evaluation of the interdistrict transfer program established pursuant to this article and prepare recommendations regarding the extension of the program. The evaluation shall incorporate the data described in Section 48313 and shall be completed and submitted, along with the recommendations regarding extension of the program and recommendations for regarding implementation of the program to ensure access to the program for all pupils, to the appropriate education policy committees of the Legislature and to the Department of Finance by January 31, 2021.

(Amended by Stats. 2017, Ch. 15, Sec. 43. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)

48317. Commencing with the 2018–19 school year, and each year thereafter, the department shall investigate complaints regarding a school district operating as a school district of choice without registering pursuant to subdivision (g) of Section 48301 and a school district of choice failing to report data required pursuant to subdivision (b) of Section 48313. If the Superintendent finds that a school district is accepting pupils through a school district of choice program and the school district is not registered or the school district fails to report the required data, the Superintendent shall withhold from the school district's apportionment pursuant to Section 42238.02 or 42238.03 an amount attributable to the average daily attendance of pupils enrolled through the school district of choice in the previous year. The Superintendent shall withhold this amount of the school district's apportionment until the school district registers or reports the required data.

(Added by Stats. 2017, Ch. 15, Sec. 44. Effective June 27, 2017. Inoperative July 1, 2023. Repealed as of January 1, 2024, pursuant to Section 48315.)